

DEPARTMENT OF STATE REVENUE**LETTER OF FINDINGS NUMBER: 02-0297P****Gross Income Tax****For Fiscal Ended March 31, 2001**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE(S)**I. Tax Administration – Penalty**

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer protests the proposed penalty assessment for the late payment of its income tax. The due date of the return was July 15, 2001. Taxpayer filed its return on January 14, 2002 with payment of one hundred percent of its tax liability plus interest. The Department issued its late payment assessment on April 8, 2002.

Taxpayer faxed a penalty protest on June 7, 2002 and states that the tax reporting function was unaware of gross receipts activity in Indiana and upon finding that it did have activity in Indiana, it submitted the return and tax and in good faith, interest. Taxpayer prepared the Indiana return and submitted payment of the tax and interest covering the period from the original due date (07/15/01) to its actual payment date (01/14/02). A federal extension to file was submitted.

I. Tax Administration – Penalty**DISCUSSION**

Taxpayer protests the penalty assessed and states that it complied with the Indiana State Revenue requirements as soon as the facts became available.

Taxpayer did not make payment by the original due date of the return nor attempt to make a partial payment when it had income from the state of Indiana.

Taxpayer has not provided reasonable cause to allow the Department to waive the penalty.

FINDING

Taxpayer's protest is denied.